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## NOTICE OF ALLOWANCE AND FEE(S) DUE

2292

7590

12/31/2009

BIRCH STEWART KOLASCH & BIRCH  
PO BOX 747  
FALLS CHURCH, VA 22040-0747

EXAMINER

PATEL, KANTIBHAI B

ART UNIT

PAPER NUMBER

2624

DATE MAILED: 12/31/2009

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/528,999

01/17/2006

Ryuji Kitaura

1254-0277PUS1

8787

TITLE OF INVENTION: 3-D IMAGE DISPLAY UNIT, 3-D IMAGE RECORDING DEVICE AND 3-D IMAGE RECORDING METHOD

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$300	\$0	\$1810	03/31/2010

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. **PROSECUTION ON THE MERITS IS CLOSED.** THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN **THREE MONTHS** FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. **THIS STATUTORY PERIOD CANNOT BE EXTENDED.** SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

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B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

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III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

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# **PART B - FEE(S) TRANSMITTAL**

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2292 7590 12/31/2009

**BIRCH STEWART KOLASCH & BIRCH**  
**PO BOX 747**  
**FALLS CHURCH, VA 22040-0747**

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(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/528,999 01/17/2006

Ryuji Kitaura

1254-0277PUS1

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**TITLE OF INVENTION: 3-D IMAGE DISPLAY UNIT, 3-D IMAGE RECORDING DEVICE AND 3-D IMAGE RECORDING METHOD**

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$300	\$0	\$1810	03/31/2010

EXAMINER	ART UNIT	CLASS-SUBCLASS
PATEL, KANJIBHAI B	2624	382-154000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a **Customer Number is required.**

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1 \_\_\_\_\_
- (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2 \_\_\_\_\_
- 3 \_\_\_\_\_

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

**PLEASE NOTE:** Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.111. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee
- ☐ Publication Fee (No small entity discount permitted)
- ☐ Advance Order - # of Copies \_\_\_\_\_

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number \_\_\_\_\_ (enclose an extra copy of this form).

5. **Change in Entity Status** (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

**NOTE:** The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

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Typed or printed name \_\_\_\_\_ Registration No. \_\_\_\_\_

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/528,999	01/17/2006	Ryuji Kitaura	1254-0277PUS1	8787
2292	7590	12/31/2009	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			PATEL, KANJIBHAI B	
			ART UNIT	PAPER NUMBER
			2624	

DATE MAILED: 12/31/2009

## Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 711 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 711 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

# Notice of Allowability

Application No.

10/528,999

Examiner

Kanji Patel

Applicant(s)

KITAURA ET AL.

Art Unit

2624

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to telephone interview on 12/16/2009 and amendment filed 09/10/2009.
2. ☒ The allowed claim(s) is/are 1,3-13,27-37,44,45,48,50,51 and 55-60.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some\* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date \_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_.

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Michael R. Cammarata on 12/15/2009.

The application has been amended as follows:

#### In the Claims:

#### **Cancel claims 2, 14-26, 38-43, 46-47 and 52-54**

1. (Currently Amended) A 3-D image display unit for displaying a 3-D image configured by a plurality of images, including:

an input part for inputting control information required to display said 3-D image[[:]], wherein said control information includes information that denotes the 3-D effect intensity of said 3-D image;

a calculation part for calculating an accumulative intensity value that increases together with a display time of said 3-D image according to said 3-D effect intensity; and

a display control part for making a predetermined display operation when said accumulative intensity is over a first threshold value.

2. (Canceled)

3. (Currently amended) The 3-D image display unit according to claim 1;  
wherein said display operation includes display of a warning message.

4. (Currently amended) The 3-D image display unit according to claim 3;  
wherein said display operation includes a parallax adjustment for said 3-D image  
so as to be reduce a parallax of the 3-D image.

5. (Currently amended) The 3-D image display unit according to claim 3;  
wherein said display operation includes forming of a 2-D image from said 3-D  
image to display said 2-D image instead of said 3-D image.

6. (Previously presented) The 3-D image display unit according to claim 5;  
wherein said display operation includes resuming display of said 3-D image  
instead of said 2-D image after a predetermined time.

7. (Original) The 3-D image display unit according to claim 5;  
wherein said calculation part calculates an accumulative intensity value that  
decreases together with a time during 2-D image display and said display operation,  
when said accumulative intensity is under a second threshold value, includes resuming  
display of said 3-D image instead of said 2-D image.

8. (Previously Presented) The 3-D image display unit according to claim 1;  
wherein said unit further includes an input part for inputting an external signal  
that includes a request signal for switching display between 3-D image display and 2-D  
image display;

wherein said unit selects either of said 3-D image display or forming a 2-D image  
from said 3-D image to display said formed 2-D image instead of said 3-D image  
according to said request signal.

9. (Previously Presented) The 3-D image display unit according to claim 6;

wherein said unit further includes an input part for inputting an external signal that includes a request signal for switching display between 3-D image display and 2-D image display;

wherein said request signal is invalidated between when said 2-D image is displayed due to said display operation and when said resuming operation is made.

10. (Currently amended) The 3-D image display unit according to claim 1;  
wherein said first threshold value is included in said control information.

11. (Original) The 3-D image display unit according to claim 6;  
wherein said predetermined time is included in said control information.

12. (Original) The 3-D image display unit according to claim 7;  
wherein said second threshold value is included in said control information.

13. (Previously presented) A 3-D image display unit for displaying a 3-D image configured by a plurality of images, including:

an input part for inputting control information required to display said 3-D image;  
and

a display control part for controlling display of said 3-D image;  
wherein said display control part forms a 2-D image from said 3-D image according to a predetermined first condition, displays said formed 2-D image instead of said 3-D image, and displays said 3-D image instead of said 2-D image according to a predetermined second condition,

wherein said predetermined first condition comprises one of a 3-D image display time or an accumulative intensity value of a 3-D effect intensity of the 3-D image being greater than or equal to a predetermined threshold value.

14-26. (Canceled)

27. (Original) A 3-D image display unit for displaying a right-eye image and a left-eye image of a user separately;

wherein said unit includes:

3-D image forming means for forming a 3-D image from a plurality of images; and  
warning display controlling means for forming a warning display for said 3-D image forming means;

wherein said warning display controlling means, in the case where the display time of said 3-D image exceeds a first predetermined time, forms said warning display for said 3-D image forming means.

28. (Original) The 3-D image display unit according to claim 27;

wherein said warning display is made as a 3-D image.

29. (Original) The 3-D image display unit according to claim 27;

wherein said warning display is made as a 3-D image and other displays are made as 2-D images.

30. (Previously presented) The 3-D image display unit according to claim 27;

wherein said warning display is made as a 3-D image that is displayed at a limiting place within which the user can recognize the image with difficulty.

31. (Original) The 3-D image display unit according to claim 27;



wherein said unit further includes:

3-D image decoding means for decoding 3-D image format data; and

separating means for separating said 3-D image data decoded by said 3-D

image decoding means into right-eye image data and left-eye image data.

32. (Original) The 3-D image display unit according to claim 31;

wherein the format of said 3-D image format data includes at least a single piece of 3-D image identification information for denoting whether or not object data is used to display a 3-D image, at least a single piece of control information that includes a first predetermined time, and at least a single piece of image data.

33. (Original) The 3-D image display unit according to claim 32;

wherein said 3-D image decoding means includes 3-D image control information analyzing means for analyzing 3-D image control information included in said 3-D image format data and image data decoding means for decoding said 3-D image data included in said 3-D image format data.

34. (Currently Amended) A 3-D image display unit for displaying a right-eye image and a left-eye image of a user separately;

wherein said unit includes:

3-D image forming means for forming a 3-D image from a plurality of images;

2-D image forming means for forming a 2-D image from said plurality of images;

and

display means for displaying a 3-D image formed by said 3-D image forming means or 2-D image formed by said 2-D image forming means; and

wherein a power supply that includes at least the power of said display means is shut off automatically in the case where a 3-D image display time exceeds said first predetermined time; and

wherein said display means displays said 2-D image formed by said 2-D image forming means in the case where said shut-off power supply is restored before the 3-D image display off-time exceeds said second predetermined time after the power of said display means is shut off automatically.

35. (Original) The 3-D image display unit according to claim 34;

wherein said unit further includes 3-D image decoding means for decoding 3-D image format data and separating means for separating 3-D image data decoded by said 3-D image decoding means into right-eye image data and left-eye image data.

36. (Original) The 3-D image display unit according to claim 35;

wherein the format of said 3-D image format data includes at least a single piece of 3-D image identification information for denoting whether or not object data is used to display a 3-D image, at least a single piece of control information that includes at least one of a first predetermined time and a second predetermined time, and a single piece of image data.

37. (Original) The 3-D image display unit according to claim 36;

wherein said 3-D image decoding means includes 3-D image control information analyzing means for analyzing 3-D image control information included in said 3-D image format data and image data decoding means for decoding said 3-D image data included in said 3-D image format data.

38-43. (Canceled)

44. (Currently Amended) A 3-D image transmitting method for transmitting a 3-D image configured by a plurality of images, including:

transmitting control information required to control display of said 3-D image[[:]],  
wherein said control information includes information for denoting the 3-D effect  
intensity of said 3-D image;

calculating an accumulative intensity value that increases together with a display  
time of said 3-D image according to said 3-D effect intensity, and  
making a predetermined display operation when said accumulative intensity is  
over a first threshold value.

45. (Previously presented) A 3-D image transmitting method for transmitting a 3-D image configured by a plurality of images, including:

a step of transmitting control information required to control display of said 3-D image;

wherein said control information includes a threshold value related to an  
accumulative intensity value that increases together with a 3-D display time of said 3-D image according to a 3-D effect intensity of said 3-D image.

46-47. (Canceled)

48. (Previously presented) A 3-D image transmitting method for transmitting a 3-D image configured by a plurality of images, including:

a recording step of recording control information required to control display of  
said 3-D image;

wherein said control information includes information that can take at least two values; and

wherein said control information denotes that a 3-D image is displayed as a 2-D image in the case where said information takes a first value and a 3-D image is displayed as a 2-D image or 3-D image in the case where said information takes a second value,

wherein said control information includes information for denoting which of said plurality of images is to be used to form a display image in the case where a 3-D image is displayed as a 2-D image.

49. (Canceled)

50. (Previously presented) A 3-D image display unit for displaying a 3-D image configured by a plurality of images, including:

an input part for inputting control information required to display said 3-D image;

wherein said control information includes display information that can take at least two values; and

wherein said display information denotes that a 3-D image is displayed as a 2-D image in the case where said information takes a first value and a 3-D image is displayed as a 2-D image or 3-D image in the case where said information takes a second value,

wherein said first value indicates that one of a 3-D image display time or an accumulative intensity value of a 3-D effect intensity of the 3-D image is greater than or equal to a predetermined threshold value.

51. (Original) The 3-D image display unit according to claim 50;

wherein said control information includes information for denoting which of said plurality of images is to be used to form a display image in the case where said 3-D image is displayed as a 2-D image.

52-54. (Canceled)

55. (Original) A 3-D image transmitting method for transmitting a 3-D image configured by a plurality of images, including:

a recording step of recording control information required to control display of said 3-D image;

wherein said control information includes a threshold value related to an accumulative value that increases together with a 3-D display time;

wherein said threshold value, when it is a predetermined value, denotes that a 3-D image is displayed as a 2-D image; and

wherein said threshold value, when it is not said predetermined value, denotes that a 3-D image is displayed as either a 2-D image or 3-D image.

56. (Original) A 3-D image transmitting method for transmitting a 3-D image configured by a plurality of images, including:

a recording step of recording control information required to control display of said 3-D image;

wherein said control information includes a threshold value required to control display of said 3-D image;

wherein said threshold value, when it is a predetermined value, denotes that a 3-D image is displayed as a 2-D image; and

wherein said threshold value, when it is not said predetermined value, denotes that a 3-D image is displayed as either a 2-D image or 3-D image.

57. (Previously Presented) The 3-D image transmitting method according to claim 55;

wherein said predetermined value is 0.

58. (Original) A 3-D image display unit for displaying a 3-D image configured by a plurality of images, including:

an input part for inputting control information required to display said 3-D image;

wherein said control information includes a threshold value related to an accumulative value that increases together with a 3-D display time;

wherein said threshold value, when it is a predetermined value, denotes that a 3-D image is displayed as a 2-D image; and

wherein said threshold value, when it is not said predetermined value, denotes that a 3-D image is displayed as either a 2-D image or 3-D image.

59. (Original) A 3-D image display unit for displaying a 3-D image configured by a plurality of images, including:

an input part for inputting control information required to display said 3-D image;

wherein said control information includes a threshold value required to control 3-D image display;

wherein said threshold value, when it is a predetermined value, denotes that a 3-D image is displayed as a 2-D image; and

wherein said threshold value, when it is not said predetermined value, denotes that a 3-D image is displayed as either a 2-D image or 3-D image.

60. (Previously Presented) The 3-D image display unit according to claim 58; wherein said predetermined value is 0.

### ***Response to Amendment***

2. Applicant's amendment filed 09/10/2009 has been entered and made of record. Claims 2, 14-26, 38-43, 46-47, 49 and 52-54 are cancelled. Claims 1, 3-13, 27-37, 44-45, 48, 50-51, 55-60 are pending in the application. Claims 27-37 were allowed in the previous Office Action mailed 06/11/2009.

### ***Specification***

3. The substitute specification filed 09/10/2009 has been entered.

### ***Response to Arguments***

4. In response to applicant's amendment to claim 10, the claim rejection under 35 USC 112, second paragraph has been withdrawn.

In response to applicant's amendment and persuasive arguments, see pages 25-28 of the remarks, filed 09/10/2009, with respect to the rejections of claims 1, 8, 10, 13, 44-45, 48-51 and 55-60 under 35 USC 102(b) have been fully considered and are persuasive. The rejections of claims 1, 8, 10, 13, 44-45, 48-51 and 55-60 under 35 USC 102(b) has been withdrawn.

***Allowable Subject Matter***

5. The following is an examiner's statement of reasons for allowance:

**Claims 1, 3-13, 27-37, 44-45, 48, 50-51, 55-60** are allowed.

In response to applicant's amendment and persuasive arguments, see pages 25-28 of the remarks, filed 09/10/2009, with respect to the rejections of claims 1,8, 10, 13, 44-45, 48-51 and 55-60 under 35 USC 102(b) have been fully considered and are persuasive. The rejections of claims 1, 8, 10, 13, 44-45, 48-51 and 55-60 under 35 USC 102(b) has been withdrawn. Therefore all the pending claims 1, 3-13, 27-37, 44-45, 48, 50-51 and 55-60 are allowed now.

6. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

**Contact Information**

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kanji Patel whose telephone number is (571) 272-7454. The examiner can normally be reached on Monday to Thursday from 8 a.m. to 6:30 p.m. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Samir Ahmed can be reached on (571) 272-7413 The fax phone number for the organization where this application or proceeding is assigned is (571)-273-8300.

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applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/ Kanji Patel/

Primary Examiner, Art Unit 2624